

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TERRENCE J. HANCOCK, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 08 C 0300
)	
MARLENE'S TRUCKING IL, INC.,)	JUDGE JOAN H. LEFKOW
an Illinois corporation,)	
)	
Defendant.)	

AFFIDAVIT

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

TERRENCE J. HANCOCK, first being duly sworn upon his oath, deposes and says:

1. I am now, and at all relevant times have been a Trustee of each of the Plaintiff Funds and have personal knowledge of the matters hereinafter set forth and, if called as a witness in this cause, am competent to testify in respect thereto.

2. I have read the Complaint filed in this cause, and know of my own personal knowledge the contents of the Agreements and Declarations of Trust heretofore cited in the Complaint of the Plaintiffs, and all facts alleged therein, and if called and sworn as a witness am competent to testify thereto.

3. The Plaintiff Funds have been established, pursuant to collective bargaining agreements, for the purpose of providing and maintaining pension and welfare benefits for

employees of participating employers employed within the occupational jurisdiction of Excavating, Grading, Asphalt, Private Scavengers, Automobile Salesroom Garage Attendants and Linen and Laundry Union, Local No. 731. The said Funds are administered in accordance with the Labor-Management Relations Act of 1947, as amended, and the Employee Retirement Income Security Act of 1974.

4. The Board of Trustees is charged with keeping and maintaining individual records on each person, firm and corporation required to make contributions to said Plaintiff Funds, receives and records contributions made by such persons, firms or corporations, and has under its supervision and direction all books, records, documents and papers relating to such Plaintiff Funds.

5. I have examined the account of Defendant, MARLENE'S TRUCKING IL, INC., an Illinois corporation, and state that said Defendant has been required to make monthly contribution reports under the terms of the Excavators Agreement to which Defendant is obligated and to which the Excavating, Grading, Asphalt, Private Scavengers, Automobile Salesroom Garage Attendants and Linen and Laundry Union, Local No. 731 is also obligated for the months of September 2007 through the present date.

6. Defendant has failed to submit to Plaintiffs the monthly contribution reports and contributions required of it for September 2007 through the present date, or all of them, despite repeated notification from his office to said Defendant of such delinquency.

7. Because of the Defendant's failure to submit the required monthly contribution reports for September 2007 through the present date, I am unable to determine the amounts, if any, that may be due and owing to Plaintiffs.

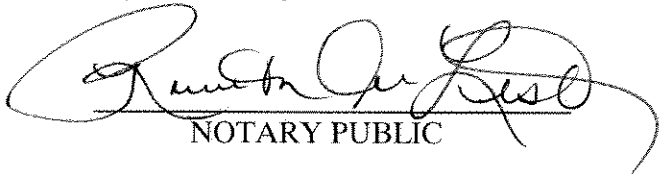
8. I am duly authorized by Plaintiffs in the making of this Affidavit, I have personal knowledge of the matters set forth above, and if called as a witness I am competent to testify thereto.

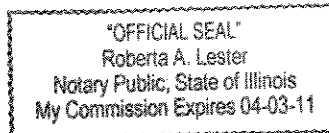
9. I make this Affidavit in support of the application of Plaintiffs for entry of default and for an order requiring Defendant to turn over its required monthly fringe benefit contribution reports for September 2007 through the present date and requests that this Court consider it as proof in support of the allegations contained in the Complaint and such other facts as herein set forth.

FURTHER AFFIANT SAYETH NOT.


TERRENCE J. HANCOCK

SUBSCRIBED AND SWORN
TO before me this 19th
day of February 2008.


NOTARY PUBLIC



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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Affidavit of Terrence J. Hancock) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 26th day of February 2008:

Ms. Regina Zatar, Registered Agent
Marlene's Trucking IL, Inc.
4711 Midlothian Tpk. #11
Crestwood, IL 60445

/s/ Cecilia M. Scanlon

Cecilia M. Scanlon
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